

TENTATIVE RULINGS for LAW and MOTION

May 4, 2020

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted on Yolo Court's Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Ten

(530) 406-6816

TENTATIVE RULING

Case: **Whitten v. Sacramento River Cats Baseball Club, LLC**
Case No. CV PO 17-886

Hearing Date: **May 4, 2020** **Department Ten** **9:00 a.m.**

Plaintiffs Alan Whitten's and Nichole Whitten's request for judicial notice is **GRANTED**. (Evid. Code, §§ 452, subd. (d).)

Plaintiffs Alan Whitten's and Nichole Whitten's motion to strike defendants' supplemental expert disclosure is **DENIED**. (Code Civ. Proc., §§ 2023.230, 2023.280; Dec. of Smoot, ¶¶ 6-9, Exh. C-E; Dec. of EKL, ¶¶ 5-10, Exhs. C-H.) The stipulation, paragraph 5, fails to cite any applicable Code of Civil Procedure and the provisions included in that paragraph appear to track Code of Civil Procedure section 2023.230, the initial disclosure not, section 2023.280 which provides for supplemental expert disclosure. It is also silent on the scope of the testimony of any supplemental expert. The focus of the stipulation concerns the re-opening of discovery. (Dec. of Smoot, ¶ 7, Exh. C.)

Plaintiffs Alan Whitten's and Nichole Whitten's request for sanctions is **DENIED**. (Code Civ. Proc., § 2023.010.)

The notice of motion does not provide notice of this Court's tentative ruling system as required by Local Rule 11.4(b). Counsel for moving party, or the moving party if unrepresented by counsel, is ordered to notify the opposing party or parties immediately of the tentative ruling system.

If no hearing is requested, and no party appears at the hearing, this tentative ruling is effective immediately. No formal order pursuant to California Rule of Court 3.1312 or further notice is required.
